REMARKS

In the Office Action, the Examiner indicated that claims 1 through 22 are pending in the application and the Examiner rejected all claims. Applicant notes that claims 3, 10 and 17 were cancelled in the previous Reply.

Finality of the Office Action

The undersigned attorney attempted to contact the Examiner on December 2, 2008 to discuss whether the finality of the present Office Action was proper, and left the Examiner a voice mail. As Applicant indicated in the voicemail, Applicant believes that since the Examiner indicated that entry of the amendments submitted with the previous Reply would necessitate a new search, and applicant subsequently filed a Request for Continued Examination so that that Reply would be considered, the present Office Action should be non-final. Accordingly, applicant respectfully requests the Examiner to reconsider and withdraw the finality of the present Office Action.

Claim Rejections, 35 U.S.C. §102

On page 3 of the Office Action, the Examiner rejected claims 1-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0168169 to Ebro et al. ("Ebro").

The Present Invention

The present invention teaches a method, system, and computer program product enabling multiple versions/releases of a J2EE application to be served to clients from a single application server, *using* an identical *service name* to invoke the multiple versions. One or more JNDI proxies are situated between each client and the application server. Specifically, claim 1 recites "interposing a Java Naming and Directory Interface (JNDI) proxy between each client and the application server" (line 4). The JNDI proxies allow the identical public "service name" to be utilized by different clients to access different versions of programs/services on the application server. Claim 1 further recites "associating each client with one of said versions; and using said JNDI proxy, directing the version associated with a particular client to said particular client upon a request by said particular client for said J2EE program" (lines 5-7). The JNDI proxies perform this association by translating the service name into a non-public "alias name" on behalf of the client. The alias name is a private name that the service provider who administers the application server understands and uses to locate the specific version of programs/services that the clients need.

U.S. Patent Application Publication No. 2004/0168169 to Ebro et al.

U.S. Patent Application Publication No. 2004/0168169 to Ebro et al. ("Ebro") teaches a method of aiding deployment in a distributed computer system, using application software components, including providing a tree representation of objects existing in at least some of the application software components, the tree representation including an object as a leaf node, with

the attributes of the object being in nexus between the root and the leaf node. Ebro also provides an accessor object with predefined names and functions used to access the individual leaf nodes, thereby facilitating remote application access. Ebro has nothing whatsoever to do with management of the invocation of multiple versions of a J2EE program.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *prima facie* Case of Anticipation

As noted above, and in previous responses, the present claimed invention is directed to version management of a J2EE program, and includes associating each client with one of multiple versions of a J2EE program stored on a single application server based upon a request by the particular client. A JNDI proxy is interposed between *each* client and the application server, and the proxies direct the appropriate version to the requesting client. An identical service name is used for the invocation of the multiple versions of the J2EE program.

The Examiner asserts that Ebro anticipates the claimed invention, and then points to specific paragraphs of Ebro while in many cases not indicating which aspects of the paragraph are analogous to the claim elements of the claimed invention. This makes it very difficult to properly address the Examiner's application of Ebro to the claimed invention. The Examiner

appears to be asserting that the use of "one domain name per DAJP" (paragraph [0190] of Ebro) is somehow the same as the use of identical service names for the invocation of multiple versions of the J2EE program as is claimed. This is incorrect. First, a "domain name" and a "service name" are two very different concepts as is well known. Second, in Ebro there is one domain name *per DAJP*; in other words, for each different DAJP, there is different name used. In the case of the present invention, the *same* service name is used for different versions of the same program, i.e., the the same name is used for two or more different programs, albeit different versions of the same program.

Further, nothing in Ebro suggests that it can manage the invocation of multiple versions of a J2EE program as is claimed herein. In addition, their does not appear to be any discussion in Ebro of the interposing of a JNDI proxy between each client and the application server, as is claimed.

The following arguments have been previously presented and are presented again herein since they are still applicable. A typical prior art J2EE program has multiple levels, some of which are run on a client side, and some of which are run on the server side. In such prior art systems, in order to avoid incompatibility issues, both the server side and the client side must be running the same version of the J2EE program.

In the present invention, multiple versions of J2EE programs are maintained in a single server for assuring compatibility with all users, and all users use the same service name to invoke a different version of the program. This is advantageous over the prior art which either forced a client to upgrade its program to the current version, or redirected a client to another server which

had the outdated version. Forcing a client to upgrade has inherent risks, e.g., the client's computer may not have the hardware resources to handle the upgraded version. The other alternative, redirecting clients to a second server with a matching software version incurs additional hardware costs and requires additional programming effort to configure multiple application servers. For these reasons, prior art application providers do not attempt to provide multiple versions or releases of the same application. The present invention, however, patentably defines as novel over the prior art, including Ebro, by teaching associating each client with one of multiple versions of a J2EE program stored on a single application server, and allowing the multiple versions to be invoked using the same service name.

Without a teaching of associating each client with one of multiple versions of a J2EE program stored on a single application server based upon a request using an identical service name by each client, or the interposing of a JNDI proxy between each client and the application server, Ebro cannot be said to anticipate the present invention. Accordingly, each of the independent claims, and all claims depending therefrom, patentably define over Ebro and are in condition for allowance.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 09-0457.

Respectfully submitted,

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Date

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